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10/769,155	01/30/2004	Peter Veprek	9432-000254	7779
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/769,155

**Applicant(s)**

VEPREK ET AL.

**Examiner**

KALPANA BHARADWAJ

**Art Unit**

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 01/30/2004
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. Claims 1-80 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-80 rejected under 35 U.S.C. 102(b) as being anticipated by Hussain (USPN 2002/0037750, referred to as **Hussain**).

#### **Claim 1, 36:**

Hussain teaches an information notification system (**Hussain**, ¶ 0018: provide notification), comprising:

an input receptive (**Hussain**, ¶ 0084: event reception; ¶ 0076: Data Collection Module (DCM)) of at least one of:

(a) activity information relating to at least one user activity category (**Hussain**, ¶ 0043: subscriber's current activity; ¶ 0076: a Behavior Analysis Module (BAM); **EN**: A 'behavior' represents a user activity); and

(b) environment information relating to at least one user environment category (**Hussain**, ¶ 0076: a Rules Development Environment (RDE); also, ¶ 0043: preferences, location, usage; **EN**: The preferences, location and usage would define a user environment);

a delivery module operable to determine a manner of notification delivery based on at least one of the user activity category and the user environment category (**Hussain**, ¶ 0076: a Realtime Delivery Module (RDM)); and

an output operable to communicate a notification to the user in accordance with the manner of delivery (**Hussain**, ¶ 0076: a Service Execution Module (SEM); **EN**: The 'execution' module would output in accordance with the manner of delivery).

**Claim 2, 37:**

Hussain teaches the system of claim 1, further comprising a user activity identification module operable to select at least one of plural, predefined user activity categories based on sensed user activity (**Hussain**, ¶ 0076: Data Collection Module).

**Claim 3, 38:**

Hussain teaches the system of claim 2, further comprising a user activity sensing module operable to sense user interaction with an electronic device via the electronic device (**Hussain**, ¶ 0046: equipment capable of receiving signals; **EN**: 'receiving signals' would mean sensing).

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**Claim 4, 39:**

Hussain teaches the system of claim 2, further comprising a user activity sensing module operable to sense user interaction with a user environment via an electronic device proximate to the user environment and having a sensory function (**Hussain**, ¶ 0048: information associated with a particular mobile subscriber; **EN**: The subscriber information would be the sensed interaction).

**Claim 5, 40:**

Hussain teaches the system of claim 1, further comprising a user activity identification module operable to select at least one of plural, predefined user activity categories based on a time-specific user activity schedule and a current time (**Hussain**, ¶ 0015: realtime information).

**Claim 6, 41:**

Hussain teaches the system of claim 1, further comprising a user activity identification module operable to select at least one of plural, predefined user activity categories based on learned user behavior patterns resulting from monitored user activity (**Hussain**, ¶ 0111: adapted to recognize; **EN**: 'adapt' is to learn, and 'recognize' is to identify a behavior pattern).

**Claim 7, 42:**

Hussain teaches the system of claim 1, further comprising a user environment identification module operable to select at least one of plural, predefined user environment categories based on a user location and predefined environment categories associated in a datastore with at least one location (**Hussain**, ¶ 0058: subscription event of the user and stores it in engine memory 210A or database).

**Claim 8, 43:**

Hussain teaches the system of claim 7, further comprising a user location sensing module operable to sense the user location based on a global positioning system function of a portable electronic device of the user (**Hussain**, ¶ 0103: cell global identity information).

**Claim 9, 44:**

Hussain teaches the system of claim 7, further comprising a user location sensing module operable to sense the user location based on a time-specific and location-specific user activity schedule and a current time (**Hussain**, ¶ 0104: location update).

**Claim 10, 45:**

Hussain teaches the system of claim 7, further comprising a user location sensing module operable to sense the user location based on user interaction with an

electronic device at a known location (**Hussain**, ¶ 0104: location update; ¶ 0022: interaction between telecommunications operators).

**Claim 11, 46:**

Hussain teaches the system of claim 1, further comprising a user environment identification module operable to select at least one of plural, predefined user environment categories based on sensed environmental stimuli in proximity to the user (**Hussain**, ¶ 0049: predefined services to be generated).

**Claim 12, 47:**

Hussain teaches the system of claim 1, further comprising a user environment identification module operable to select at least one of plural, predefined user environment categories based on learned environment behavior patterns resulting from monitored environment behavior (**Hussain**, ¶ 0111: adapted to recognize; **EN**: 'adapt' is to learn, and 'recognize' is to identify a behavior pattern).

**Claim 13, 48:**

Hussain teaches the system of claim 1, wherein said delivery module is operable to determine the manner of notification delivery based on an information category relating to the notification (**Hussain**, ¶ 0140: notification upon the calling of a preselected number; **EN**: the preselected number could determine the manner).

**Claim 14, 49:**

Hussain teaches the system of claim 13, further comprising an information categorization module operable to select at least one of plural information categories based on a priority of the notification (**Hussain, ¶ 0051**: customized according to the realtime status of the user; **EN**: The customizing rules would include priority).

**Claim 15, 50:**

Hussain teaches the system of claim 14, wherein said delivery module is operable to determine the manner of delivery based on a comparison between the priority of the notification and a priority relating to a user activity (**Hussain, ¶ 0051**: customized according to the realtime status of the user; **EN**: The customizing rules would include priority comparison).

**Claim 16, 51:**

Hussain teaches the system of claim 13, further comprising an information categorization module operable to select at least one of plural information categories based on a confidentiality level of the notification (**Hussain, ¶ 0051**: intelligence factor 248 necessary to satisfy; **EN**: intelligence factor would include confidentiality).

**Claim 17, 52:**



Hussain teaches the system of claim 13, further comprising an information categorization module operable to select at least one of plural information categories based on content of the notification (**Hussain, ¶ 0021**: content providers).

**Claim 18, 53:**

Hussain teaches the system of claim 13, further comprising an information categorization module operable to select at least one of plural information categories based on at least one medium of the notification selected from at least one of audio, video, text, image, vibration, sound, and light emission (**Hussain, ¶ 0099**: display text, play a tone).

**Claim 19, 54:**

Hussain teaches the system of claim 1, wherein said delivery module is operable to determine whether a manner of delivery is available that satisfies predetermined conditions relating to convenience, courtesy, timeliness, naturalness, and safety (**Hussain, ¶ 0094**: predetermined time interval; **¶ 0051**: requisite conditions), wherein the manner of delivery relates to a medium of the notification in view of communication capabilities of eligible devices, wherein the medium is selected from at least one of audio, video, text, image, vibration, sound, and light emission (**Hussain, ¶ 0099**: display text, play a tone).

**Claim 20, 55:**

Hussain teaches the system of claim 19, wherein said delivery module is operable to determine that communication of an attention grabbing gesture (**Hussain, ¶ 0043**: usage and behavior patterns) satisfies the predetermined conditions (**Hussain, ¶ 0051**: requisite conditions).

**Claim 21, 56:**

Hussain teaches the system of claim 20, wherein said input is further receptive of a user response to the attention grabbing gesture (**Hussain, ¶ 0043**: usage and behavior patterns), and said delivery module is operable to determine whether a manner of delivery is available that satisfies the predetermined conditions based on the user response (**Hussain, ¶ 0117**: response message informing the B2B engine).

**Claim 22, 57:**

Hussain teaches the system of claim 19, wherein said delivery module is operable to delay communication of the notification until the predetermined conditions are satisfied (**Hussain, ¶ 0126**: delays and/or processing).

**Claim 23, 58:**

Hussain teaches the system of claim 19, wherein said delivery module is operable to determine that communication of a full version of the notification (**Hussain, ¶ 0018**: information is included with the notification) satisfies the predetermined conditions (**Hussain, ¶ 0094**: predetermined time interval; **¶ 0051**: requisite conditions).

**Claim 24, 59:**

Hussain teaches the system of claim 19, wherein said delivery module is operable to determine that communication of a summarized version of the notification satisfies the predetermined conditions (**Hussain**, ¶ 0034: network node notification; **EN**: a notification node is a summarized version of the notification).

**Claim 25, 60:**

Hussain teaches the system of claim 19, wherein said delivery module is operable to determine whether a manner of delivery is available that satisfies the predetermined conditions based on at least one communication capability of at least one device eligible to communicate the notification to the user (**Hussain**, ¶ 0035: illustrates the communications of realtime information).

**Claim 26, 61:**

Hussain teaches the system of claim 1, further comprising a device eligibility assessment module operable to assess eligibility of devices to communicate the notification to the user (**Hussain**, Fig 6: Operation and Maintenance Module).

**Claim 27, 62:**

Hussain teaches the system of claim 26, wherein said delivery module is operable to select one of plural eligible devices to communicate the notification based

on varying communication capabilities of the eligible devices (**Hussain**, Fig 6: Operation and Maintenance Module).

**Claim 28, 63:**

Hussain teaches the system of claim 27, wherein said delivery module is operable to assess communication capabilities of the eligible devices based on a user preference expressed by the user respective of communication via the eligible device (**Hussain**, ¶ 0043: current activity, preferences).

**Claim 29, 64:**

Hussain teaches the system of claim 26, wherein said device eligibility assessment module is operable to identify eligibility of a device based on observation of the user via a sensory mechanism of the eligible device (**Hussain**, ¶ 0018: signaling capacity usage; **EN**: signaling capacity is a sensory mechanism).

**Claim 30, 65:**

Hussain teaches the system of claim 26, wherein said device eligibility assessment module is operable to identify eligibility of a device based on detection of user interaction with the device (**Hussain**, ¶ 0116: status of a telecommunications device; q7 the status would be based on the user interaction with the device).

**Claim 31, 66:**

Hussain teaches the system of claim 26, wherein said device eligibility assessment module is operable to identify eligibility of a device based on knowledge of common location of the user and the eligible device (**Hussain, ¶ 0017**: user location, user status).

**Claim 32, 67:**

Hussain teaches the system of claim 1, wherein said delivery module is operable to determine the manner of notification delivery based on a manually expressed user preference relating to communication of the notification (**Hussain, ¶ 0043**: preferences, location, usage).

**Claim 33, 68:**

Hussain teaches the system of claim 1, wherein said input is further receptive of a user response to a delivered notification, the system further comprising a user response assessment module operable to observe emotional content of the user response based on response characteristics relating to intensity (**Hussain, ¶ 0054**: behavior information of subscribers), and to infer at least one of a favorable user reaction and an unfavorable user reaction to the delivered notification based on the emotional content, wherein said delivery module is operable to incorporate knowledge of a type of the user reaction into future communications with the user (**Hussain, ¶ 0054**: interactions between the business-to-business ... elements of the network ).

**Claim 34, 69:**

Hussain teaches the system of claim 1, wherein said delivery module is operable to discard expired notifications based on a comparison between a time of expiration associated with the notification and a current time (**Hussain, ¶ 0094**: the timer 472 expires).

**Claim 35, 70:**

Hussain teaches the system of claim 1, wherein said delivery module is operable to identify an older notification that has been superseded by a newer notification of similar type, and to discard the older notification (**Hussain, ¶ 0076**: Operation and Maintenance Module).

**Claim 71,**

Hussain teaches a device enrollment method for use with an information notification delivery system, comprising:

establishing communication with an enrolling device over a communications network (**Hussain, Fig 4: B2B Engine**);

receiving device characteristic information from the enrolling device relating to device characteristics including device type and input/output capabilities of the device (**Hussain, ¶ 0076**: a Data Collection Module);

registering the device characteristic information in memory (**Hussain, ¶ 0058**: B2B engine memory);

transmitting an application programming interface to the enrolling device based on the device type that is operable to render the enrolling device compliant with notification delivery functionality of the notification delivery system (**Hussain, ¶ 0076: Interface Module**).

**Claim 72:**

Hussain teaches the method of claim 71, wherein the application program interface causes the enrolling device to send its original notifications to the information notification delivery system (**Hussain, ¶ 0076: Interface Module**).

**Claim 73:**

Hussain teaches the method of claim 71, wherein the application program interface causes the enrolling device to deliver notifications received from the information notification delivery system to users in accordance with instructions from the information notification delivery system (**Hussain, ¶ 0086: notification is sent ... Event Forwarding Module**).

**Claim 74:**

Hussain teaches the method of claim 71, wherein the application program interface causes the enrolling device to communicate captured sounds and images, user schedules, and device states to the information notification delivery system (**Hussain, ¶ 0076: Interface Module; ¶ 0084: event reception and processing module**).

**Claim 75:**

Hussain teaches the method of claim 1, wherein the information notification system is at least one of:

- (a) maintained at a central location and adapted to register and employ plural devices (Hussain, ¶ 0046: telecommunication system 230 ... cellular phones, personal data assistants ...); and
- (b) maintained on at least two compliant devices of plural compliant devices in a distributed fashion (Hussain, ¶ 0046: telecommunication system 230; EN: telecommunication system is inherently distributed and maintains multiple compliant devices).

**Claim 76:**

Hussain teaches a method of operation for a device operable to perform information notification delivery in a convenient, courteous, timely, natural, and safe manner, comprising: receiving at least one of:

- (a) activity information relating to at least one selected user activity category (Hussain, ¶ 0043: usage and behavior patterns); and (b) environment information relating to at least one selected user environment category;

determining a manner of notification delivery based on the user activity category and the user environment category (Hussain, ¶ 0076: a Realtime Delivery Module (RDM)); and



communicating the notification to the user in accordance with the manner of delivery (**Hussain, ¶ 0076**: a Service Execution Module (SEM)).

**Claim 77:**

Hussain teaches the method of claim 76, further comprising making a determination whether a manner of notification delivery is available that satisfies predetermined conditions relating to at least one of convenience, courtesy, timeliness, naturalness, and safety, wherein the determination includes evaluating a majority of the following information notification delivery categories: (a) an attention grabbing gesture (**Hussain, ¶ 0043**: usage and behavior patterns); (b) a notification summary (**Hussain, ¶ 0018**: provide notification); and (c) a full notification (**Hussain, ¶ 0018**: provide notification).

**Claim 78:**

Hussain teaches the method of claim 77, further comprising:  
communicating an attention grabbing gesture to the user (**Hussain, ¶ 0043**: usage and behavior patterns);  
receiving user feedback in response to the attention grabbing gesture; and  
making the determination based on the user feedback (**Hussain, ¶ 0084**: a validation module (VM)).

**Claim 79:**

Hussain teaches the method of claim 76, further comprising:

sensing user activity (**Hussain, ¶ 0084**: an event reception and processing module); and

selecting the user activity category based on the user activity (**Hussain, ¶ 0084**: an event forwarding module).

**Claim 80:**

Hussain teaches the method of claim 76, further comprising:

sensing environmental stimuli in a vicinity of the device (**Hussain, ¶ 0084**: a data collection module);

sensing user collocation with the device (**Hussain, ¶ 0084**: a data collection module); and

selecting the user environment category based on the sensed stimuli (**Hussain, ¶ 0076**: a service development environment).

**Examinations Considerations**

4. Examiner's Notes (**EN**) are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office

actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

5. Examiner has cited particular columns and line numbers (or paragraphs) in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

### ***Conclusion***

6. Claims 1-80 are rejected.
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Stillman, USPN 2004/0003048, cited for notification using customer profile.

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KALPANA BHARADWAJ whose telephone number is (571)270-1641. The examiner can normally be reached on Monday-Friday 7:30am 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharadwaj Kalpana/  
Examiner, Art Unit 2129

/David R Vincent/  
Supervisory Patent Examiner, Art Unit 2129